

## MEMORANDUM

TO: Members, Public Disclosure Commission

FROM: Philip E. Stutzman, Director of Compliance

DATE: September 7, 2005

SUBJECT: Status of Compliance Cases

Enclosed is an update of all compliance activity since my last memo to you dated May 31, 2005. If you would like additional information, please let me know.

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**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

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**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

## **Part I**

### **Cases Scheduled For Hearing**

**Reports to Commission:** None

**Scheduled for Full Enforcement Hearing:** None

**Scheduled for Brief Enforcement Hearing:** None

## **Part II**

### **Active Investigations**

#### **Investigations In Progress**

**Sutherland, Doug—Case #05-079; Investigator: Randy Unruh**

Date Received: September 27, 2004

Date Started: October 5, 2004

Section of Law: RCW 42.17.080, .090 & WAC 390-16-034

Status: Under Investigation

Summary: A complaint was received from Lisa McShane, Campaign Chair of Citizens Protecting Our Water and Forests, alleging that Doug Sutherland, the incumbent Public Lands Commissioner and a candidate for re-election, failed to disclose the occupation and employer information for individuals that contributed more than \$100 to his campaign, and that the campaign failed to report in-kind contributions for professional services provided to the campaign.

Disposition: Pending

**Snohomish Health District--Case #05-096; Investigator: Tony Perkins**

Date Received: August 15, 2004

Date Started: August 20, 2004

Section of Law: RCW 42.17.130 & .190

Status: Under Investigation

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

Summary: A complaint was received from Norm Kjono alleging that officials of the Snohomish County Health District used county facilities to support a statewide ballot proposition, Initiative 890, and also used the facilities to allegedly support an initiative to the Washington State Legislature, Initiative 332.  
Disposition: Pending

**Republican Governor’s Association & Republican Governor’s Association WA ST PAC—Case #05-100; Investigator: Randy Unruh**

Date Received: October 14, 2004

Date Started: October 27, 2004

Section of Law: RCW 42.17.080, .090 & .510

Status: Under Investigation

Summary: A complaint was received from Paul Berendt, Chair of the Washington State Democratic Central Committee (WSDCC), alleging that the Republican Governor’s Association (RGA) is an unregistered political committee that failed to register and report with the Public Disclosure Commission. The complaint also alleges that ads sponsored by Republican Governor’s Association Washington PAC, were in fact sponsored by Republican Governor’s Association, and that the RGA should be required to register and report as a political committee, and that it should list the top five contributors to it on broadcast political advertisements sponsored by the RGA PAC.

Disposition: Pending

**Hope, Michael—Case #05-101; Investigator: Randy Unruh**

Date Received: October 15, 2004

Date Started: October 28, 2004

Section of Law: RCW 42.17.640

Status: Under Investigation

Summary: A complaint was received from Hans Dunshee, a candidate in the 44<sup>th</sup> Legislative District, alleging that Michael Hope, also a candidate in the 44<sup>th</sup> Legislative District accepted funds and attributed them for the primary election after the date allowed to receive primary contributions, and that Mr. Hope accepted contributions from affiliated or related entities that exceeded contribution limits.

Disposition: Pending

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

**Republican State Leadership Committee (RSLC) –Case #05-107; Investigator: Randy Unruh**

Date Received: October 21, 2004

Date Started: October 29, 2004

Section of Law: RCW 42.17.093

Status: Under Investigation

Summary: A complaint was received from C. Steven Fury on behalf of the Deborah Senn campaign alleging that the Republican State Leadership Committee (RSLC) filed two C-5 reports without listing contributors that are a corporation which has a place of business in the state of Washington that contributed more than \$25 during the current calendar year. The RSLC gave \$1,265,000 to its related PAC named “Republican State Leadership Committee Washington PAC” that is registered with the PDC and filed a C-1, C-3 and C-6. The reports disclosed that the group will spend money opposing Deborah Senn.

Disposition: Pending

**Ward, Yvonne–Case #05-394; Investigator: Kurt Young**

Date Received: May 31, 2005

Date Started: June 17, 2005

Section of Law: RCW 42.17.530

Status: Under Investigation

Summary: A complaint was received from Cheryl Marshall alleging that Yvonne Ward, a 2002 candidate for State Senate, sponsored, with actual malice, false statements of material fact against Pam Roach, a candidate for State Senate in 2002, an alleged violation of RCW 42.17.530.

Disposition: Pending

**Washington State Trial Lawyers Association–Case #06-007; Investigator: Kurt Young**

Date Received: August 15, 2005

Date Started: August 19, 2005

Section of Law: RCW 42.17.040, .080, .090

Status: Under Investigation

Summary: A complaint was received from Andres Dolan alleging that the Washington State Trial Lawyers Association (WSTLA) has increased the dues of its members in order to make contributions to support Initiative 336 and to oppose Initiative 330, and that WSTLA has failed to report its activities as a political committee, an alleged violation of RCW 42.17.040, .080 and .090.

Disposition: Pending

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

**Chang, John–Case #06-008; Investigator: Kurt Young**

Date Received: August 12, 2005

Date Started: August 22, 2005

Section of Law: RCW 42.17.040, .080, .090

Status: Under Investigation

Summary: A complaint was received from Jack Rogers alleging that the 2005 John T. Chang campaign for Shoreline City Council has: 1) failed to timely file campaign finance reports; 2) failed to electronically file C-3 and C-4 reports; and 3) failed to report employer and occupation information for individual contributors giving over \$100 in the aggregate, alleged violations of RCW 42.17.080 and .090.

Disposition: Pending

**Kavanaugh, Angel–Case #06-015; Investigator: Tony Perkins**

Date Received: August 24, 2005

Date Started: August 26, 2005

Section of Law: RCW 42.17.510, 530

Status: Under Investigation

Summary: A complaint was received from Kyla Houchens alleging that Angel Kavanaugh produced political advertising in the form of a campaign postcard that contains a false return address and does not contain the required sponsor identification, in violation of RCW 42.17.510. In addition, it was alleged that the postcard constitutes false political advertising because it falsely states that it is from Kyla Houchens and because it contains false statements about Ms. Houchens, in violation of RCW 42.17.530.

Disposition: Pending

**Hoboy, Loren–Case #06-238; Investigator: Tony Perkins**

Date Received: August 30, 2005

Date Started: September 8, 2005

Section of Law: RCW 42.17.530

Status: Under Investigation

Summary: A complaint was received from Pat Mooney alleging that Loren Hoboy produced political advertising in the form of a campaign e-mail that contains a false statement of material fact made about Pat Mooney, a candidate for Commissioner, Port of Anacortes, in violation of RCW 42.17.530.

Disposition: Pending

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

**Everett, Matt--Case #06-239; Investigator: Tony Perkins**

Date Received: August 26, 2005

Date Started: September 8, 2005

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Susan Scarvie alleging that Matt Everett, General Manager of the Highline Water District, used public facilities of the Water District to assist the 2005 campaign of Gerald Guite for re-election to the position of Commissioner, Highline Water District, an alleged violation of RCW 42.17.130.

Disposition: Pending

## **Initial Investigative Field Work Completed - Cases Under Review**

**Yes on Initiative 18 Committee-- Case #04-438; Investigator: Phil Stutzman**

Date Received: February 13, 2004

Date Started: February 19, 2004

Section of Law: RCW 42.17.080 & .090

Status: Under Review

Summary: A complaint was received from Steve Williamson, Executive Secretary of the King County Labor Council, AFL-CIO alleging that the Yes on Initiative 18 Committee (Yes on I-18), a political committee supporting a local ballot proposition in King County, failed to file C-3 and C-4 reports of contribution and expenditure activities, and alleging that Yes on I-18 failed to disclose a \$20,000 payment to Tim Eyman in exchange for services he performed in support of the initiative efforts.

Disposition: Pending

**Washington State Grange--Case #04-450; Investigator: Suemary Trobaugh**

Date Received: April 21, 2004

Date Started: April 22, 2004

Section of Law: RCW 42.17.080 & .090

Status: Under Review

Summary: A complaint was received from Paul Berendt, Chair of the Washington State Democratic Central Committee (WSDCC), alleging that the Washington State Grange failed to report contribution and expenditure activities in support of a statewide ballot proposition.

Disposition: Pending



**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

**Telling-Poulsen, Soeren– Case #05-116; Investigator: Tony Perkins**

Date Received: November 2, 2004

Date Started: November 16, 2004

Section of Law: RCW 42.17.080 & .090

Status: Under Review

Summary: A complaint was received from Dave Munro, treasurer for Campaign to Elect Joe Martin Sheriff alleging that Soeren Telling-Poulsen, candidate for Clallam County Sheriff, failed to timely file contribution and expenditure reports for numerous activities undertaken by his campaign.

Disposition: Pending

**Jurado, Terry– Case #05-395; Investigator: Randy Unruh**

Date Received: June 8, 2005

Date Started: June 21, 2005

Section of Law: RCW 42.17.130

Status: Under Review

Summary: A complaint was received from Gregg Hirakawa alleging that Judge Terry Jurado used public facilities to assist his 2005 campaign for re-election to the position of Renton Municipal Court Judge, an alleged violation of RCW 42.17.130

Disposition: Pending

### **Part III**

#### **Cases Referred To Attorney General For Further Action**

**TME Capital Group and its Investors; and Environmental Materials Transport, LLC and Hank Hopkins--Case #04-445; Investigator: Sally Parker**

Date Received: April 5, 2004

Date Started: April 5, 2004

Section of Law: RCW 42.17.040, .080, .090, .105, 120,780

Status: Investigation Complete

Summary: A PDC staff generated complaint was filed by PDC Executive Director Vicki Rippie, after PDC staff noted, while assisting the Attorney General's Office following referral of Case No. 03-153 by the Commission to the Attorney General's office, that TME Capital Group, LLC (TME) and its investors (Elling Halvorson, Catherine Boshaw, Doug Edlund, John Taylor, Lon Halvorson, E. Kent Halvorson, Tim Teteak and David Chevalier) may have violated the following: 1) RCW 42.17.040 through 42.17.090 by failing to register and report

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as a political committee when TME and its investors raised and spent funds to support candidates; 2) RCW 42.17.105(8) by making contributions to another political committee exceeding \$5,000 with 21 days of the 2001 general election; 3) RCW 42.17.780 by reimbursing \$19,000 to Monarch Enterprises for contributions made to a political committee that supported candidates in the 2001 general election; and 4) RCW 42.17.120 by concealing the source of the contributions received and expenditures made to support Des Moines City Council candidates.

**Disposition:** Following a report to the Commission on June 23, 2005, the Commission reported (1) multiple apparent violations of RCW 42.17.040 through .090, .120, .105(8) and .780 by TME Capital Group and its investors; and (2) multiple apparent violations of RCW 42.17.040 through .090 and .105(8) by Environmental Materials LLC and Hank Hopkins to the Office of the Attorney General with a recommendation to institute legal proceedings.

**Washington Education Association—Case #01-002; Investigator: Lori Anderson**

Date Received: August 15, 2000

Date Started: August 18, 2000

Section of Law: RCW 42.17.760

Status: Investigation Complete

Summary: A complaint was received from the Evergreen Freedom Foundation and public school employees alleging that the Washington Education Association (WEA) and Washington School Districts are in violation of RCW 42.17.680 and 42.17.760. The complaint alleges that Washington School Districts are in violation of RCW 42.17.680 by withholding dues and fees from employees' wages that are used by the WEA and the National Education Association (NEA) for contributions to political campaigns. The complaint also alleges that the WEA is violating RCW 42.17.760 by using agency shop fees for political contributions and expenditures without the affirmative authorization of non-members. The complaint was forwarded to the PDC by the Attorney General's Office following its receipt of the complaint from EFF. The complaint was filed with the Attorney General's Office and all County Prosecuting Attorneys requesting that an action be commenced in the courts to address the apparent violations of RCW 42.17. The complaint said that if an action were not commenced in court the complainant would seek appropriate legal and equitable relief pursuant to RCW 42.17. RCW 42.17.400(4) provides a 45-day time period before a complainant may take steps to initiate a citizen's action in superior court.

**Disposition:** The Commission accepted a Stipulation of Facts, Violations and Recommendations, found that the Respondent committed an apparent violation of

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RCW 42.17.760, stipulated to as actual violations, and referred the matter to the Attorney General’s Office.

**Thurston County Superior Court Disposition:** The Attorney General’s Office filed suit in Thurston County, and the case went to trial in Thurston County Superior Court. The Thurston County Superior Court found the Respondent intentionally violated RCW 42.17.760, and assessed a total civil penalty of \$400,000. The Washington Education Association has appealed that decision.

**Permanent Offense, Permanent Offense Incorporated, Traffic Improvement Initiative Committee, Tim Eyman and Suzanne Karr—Case #02-281; Investigator: Kurt Young; (Also received 45-Day Letter of Complaint)**

Date Received: February 6, 2002

Date Started: February 6, 2002

Section of Law: RCW 42.17.080, .090, .120, & .125

Status: Investigation Complete

Summary: A complaint was filed by PDC Executive Director Vicki Rippie against Permanent Offense, Permanent Offense Incorporated, Traffic Improvement Initiative Committee, Tim Eyman and Suzanne Karr alleging the following: 1) failure to properly report committee expenditures, including the purpose of those expenditures; 2) concealing the fact that committee funds were expended to pay Mr. Eyman for compensation for the work he performed on behalf of Permanent Offense; 3) use of committee funds to pay for Mr. Eyman’s personal expenses. In addition, a “45-day letter of complaint” was filed by Richard A. Smith and Knoll Lowney, attorneys with Smith & Lowney, PLLC, representing Permanently Offended, with the Office of the Attorney General and the County Prosecutor’s Offices in King, Snohomish and Thurston counties against Permanent Offense, Permanent Offense, Inc., Traffic Improvement Initiative, Tim Eyman, Karen Eyman, and Suzanne Karr alleging violations similar to those outlined in the PDC complaint.

**Disposition:** A report to the Commission was presented at its special April 9, Commission meeting. The Commission found that the Respondent committed multiple apparent violations and referred the matter to the Attorney General’s Office. Portion of complaint against committees and Tim Eyman settled with Attorney General’s Office. Findings against Suzanne Karr in Snohomish County Superior Court under appeal by Ms. Karr.

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

**National Education Association—Case #02-282; Investigator: Suemary Trobaugh;  
(45-Day Letter of Complaint)**

Date Received: January 31, 2002

Date Started: February 6, 2002

Section of Law: RCW 42.17.040, .080, .090, .680 and .760

Status: Investigation Complete

Summary: On January 31, 2002, the Evergreen Freedom Foundation, Lowell Johnson, Carrie Riplinger, Susan Kobes and David Williams, through attorney Jeanne Brown filed a citizen’s action letter under RCW 42.17.400(4) with the Office of the Attorney General and the State of Washington’s County Prosecutors’ Offices. The complaint alleged violations by the NEA’s Ballot Measure/Legislative Crisis and Media Campaign Fund of 1) RCW 42.17.040 et. seq (failure to register as a political committee); 2) violations of RCW 42.17.680(3) (diverting a portion of an employee's wages or salaries for contributions to political committees without the written request of the employee); and 3) violations of RCW 42.17.760 (using agency shop fees paid by non members to influence an election without written authorization by the Individual). On February 6, 2002, the Office of the Attorney General officially notified the PDC that they were referring the matter to the PDC for investigation. PDC Staff completed a Preliminary Report of Investigation and prepared a memorandum to Commission members concerning Staff’s findings and recommendation.

**Disposition:** On April 9, 2002, the matter was on the Commission’s agenda as a report to the Commission. In light of the complaint the Evergreen Freedom Foundation filed against the NEA in Thurston County Superior Court on April 8, 2002 under provisions of RCW 42.17.400(4), the Commission accepted Staff’s recommendation that it take no action in this case. On August 23, 2002, Thurston County Superior Court Judge Paula Casey dismissed the lawsuit filed by EFF against NEA. Judge Casey’s dismissal was based on a decision by the WA State Court of Appeals in State ex rel. Evergreen Freedom Foundation v Washington Education Association, No. 25272-4-II, where the court stated that “Before the 10-day period<sup>1</sup> had passed after EFF’s second letter to the AG, the AG forwarded the allegations to the PDC for investigation...Because the AG acted before the end of the 10-day period, EFF could not bring a citizen’s action lawsuit under

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<sup>1</sup> RCW 42.17.400 states: “The citizen action may be brought only if the attorney general...ha(s) failed to commence an action hereunder within forty-five days and after such notice and such person has thereafter further notified the attorney general...that said person will commence a citizen’s action within ten days upon their failure to do so...”

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RCW 42.17.400...” By a unanimous vote, the Commission dismissed the allegations that NEA violated RCW 42.17.040 and 42.17.680.

On October 2, 2002, at a special Commission meeting, by a unanimous vote, the Commission dismissed the allegations that NEA violated RCW 42.17.040 and 42.17.680. By a unanimous vote, the Commission found multiple apparent violations of RCW 42.17.760 by the NEA when it used agency shop fees to make contributions or expenditures to influence an election or to operate a political committee without authorization from the employees. The Commission found that given the insufficiency of its penalty authority, in lieu of holding an enforcement hearing, the Commission referred the above referenced apparent violations to the Washington State Attorney General's Office for appropriate action pursuant to RCW 42.17.360 and .395 and WAC 390-37-100.

**Hopkins, Hank/Environmental Materials Transport, LLC--Case #03-153;  
Investigator: Sally Parker**

Date Received: April 15, 2002

Date Started: April 19, 2002

Section of Law: RCW 42.17.105 & .120

Status: Investigation Complete

Summary: This case is related to PDC Case No. 02-296. Hank Hopkins as President of Environmental Materials Transport, LLC (EMTLLC) was added as a respondent by PDC staff alleging that Mr. Hopkins made contributions in excess of \$5,000 within 21 days of the 2001 general election by contributing \$20,000 to Don Wasson's political committee to support Des Moines City Council candidates Petersen, Benjamin and Steenrod. It was further alleged that Mr. Hopkins and EMT LLC concealed the source and amount of an initial \$1,000 payment that was made to Don Wasson and his political committee to support the campaigns of Gary Petersen and Richard Benjamin. In addition, it is also alleged that Mr. Hopkins and EMT LLC concealed the source and amount of contributions that were made to Mr. Wasson's political committee totaling \$20,000 that also supported the 2001 Council campaigns of Mr. Petersen, Mr. Benjamin, and Ms. Steenrod.

**Disposition:** An Enforcement hearing before the Full Commission was held on March 25, 2003. The Commission found multiple apparent violations of RCW 42.17.120 by the Respondents for concealing contributions used to benefit candidates in the 2001 Des Moines City Council election. Given the insufficiency of its penalty authority, the Commission referred the apparent violations to the Attorney General's Office for appropriate action.

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

**Voters Education Committee--#05-027; Investigator: Phil Stutzman**

Date Received: September 9, 2004

Date Started: September 9, 2004

Section of Law: RCW 42.17.040, .080, .090 & .120

Status: Investigation Complete

Summary: The Public Disclosure Commission staff became aware that on or about September 2, 2004, advertisements began to be broadcast on television stations around Washington State that were identified as being paid for by Voters Education Committee (VEC). The ads concerned Deborah Senn, a candidate for Attorney General, who was on the September 14, 2004 primary election ballot. The Voters Education Committee had filed as a Section 527 organization with the Internal Revenue Service listing its purpose as “a non-partician (sic), non-profit, non-discriminatory, political action committee which provides issue education.” PDC staff reviewed the advertisement, to determine whether the content of the advertisement constituted “issue advocacy” as claimed by VEC, or if it constituted “express advocacy” as contemplated by the Washington Supreme Court. PDC staff believed the advertisement, taken as a whole, represented an assault on Ms. Senn’s character because the content went beyond taking issue with Ms. Senn’s actions as Insurance Commissioner, and assailed her integrity and credibility. That activity made VEC and its agents a political committee under state law and required them to register and file detailed reports of contributions received and expenditures made with the Public Disclosure Commission.

**Disposition:** This matter was presented as a report to the Commission on September 25, 2004, at a special Commission meeting. The Commission found apparent violations by VEC of RCW 42.17.040 for failing to timely register as a political committee, 42.17.080 and 42.17.090 for failing to file detailed reports disclosing contribution and expenditure activities, and RCW 42.17.120 for concealing the amount and identity of the source(s) of their contributions and the amount and recipients of their expenditures. The Commission referred this matter to the Washington State Attorney General's Office for appropriate action, including seeking a court order compelling Voters Education Committee to file the disclosure reports required by RCW 42.17.040 through 42.17.090.

## IV. Investigations Completed

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

## **Cases Closed**

The following cases were closed as a result of enforcement hearings: (Respondents may appeal the results of enforcement hearings. For the results of appeals, see “Compliance” and “Results of Enforcement” on the PDC’s home page at [www.pdc.wa.gov](http://www.pdc.wa.gov))

### **Full Enforcement Hearings:**

**Washington Breathe Alliance--Case #04-446; Investigator: Tony Perkins (See American Cancer Society, Case #04-446, Breathe Easy Washington, Case #05-209, and American Heart Association, Case #05-210)**

Date Received: March 29, 2004

Date Started: April 8, 2004

Section of Law: RCW 42.17.200

Status: Investigation Complete

Summary: A complaint were received from Ian Foraker, alleging that the Washington Breathe Alliance engaged in a grass roots lobbying campaign during the 2004 Legislative Session, and failed to timely file Grass Roots Lobbying Reports (PDC Form L-6) disclosing those activities as required by law.

Disposition: Violations (See below for disposition under full and brief enforcement hearings.)

**American Cancer Society --Case #04-446 (Part of Washington Breathe Alliance, PDC Case #04-446); Investigator: Tony Perkins**

Date Received: March 29, 2004

Date Started: April 8, 2004

Section of Law: RCW 42.17.180 & .200

Status: Investigation Complete

Summary: A complaint were received from Ian Foraker, alleging that the Washington Breathe Alliance engaged in a grass roots lobbying campaign during the 2004 Legislative Session, and failed to timely file Grass Roots Lobbying Reports (PDC Form L-6) disclosing those activities as required by law. The American Cancer Society, as part of the Washington Breathe Alliance allegedly violated

**Washington State Democratic Central Committee– Case #05-136; Investigator: Tony Perkins**

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

Date Received: February 25, 2005

Date Started: February 25, 2005

Section of Law: RCW 42.17.080, & .090

Status: Investigation Complete

Summary: A complaint was filed by Vicki Rippie, Executive Director of the Public Disclosure Commission, alleging that the Washington State Democratic Central Committee (WSDCC) may have violated RCW 42.17.080 and .090 by failing to timely disclose information required for \$394,544 in contributions from individual donors, and by failing to timely disclose debts and orders placed that totaled \$704,815 for candidate support expenditures during the 2004 election cycle. A report to the Commission will be made at the June 9, 2005, special Commission meeting.

Disposition: Pending

**Brief Enforcement Hearings:** For the results of “Group Enforcement” brief enforcement hearings, other than from investigations, see “Compliance” and “Results of Enforcement” on the PDC’s home page at [www.pdc.wa.gov](http://www.pdc.wa.gov))

**Breathe Easy Washington--Case #05-209 (Part of PDC Case #04-446, assigned separate case #); Investigator: Tony Perkins**

Date Received: March 29, 2004

Date Started: April 8, 2004

Section of Law: RCW 42.17.180 & .200

Status: Investigation Complete

Summary: A complaint were received from Ian Foraker, alleging that the Washington Breathe Alliance engaged in a grass roots lobbying campaign during the 2004 Legislative Session, and failed to timely file Grass Roots Lobbying Reports (PDC Form L-6) disclosing those activities as required by law. Breathe Easy Washington (BEW), as part of the Washington Breathe Alliance, allegedly violated RCW 42.17.080 and .090 by failing to timely report in-kind contributions valued at \$8,528 received by the committee for paid signature gathering efforts conducted by other entities on behalf of Breathe Easy Washington.

**Disposition:** A brief enforcement hearing was held June 9, 2005. It was found that BEW, a political committee registered to support Initiative 890, a statewide initiative committee in 2004 was found to have committed four violations of RCW 42.17.080 and .090 by failing to timely report in-kind contributions valued at \$8,528 received by the committee for paid signature gathering efforts



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conducted by other entities on behalf of BEW during the months of April, May, June and July of 2004. A \$400 penalty was assessed.

**American Heart Association-Pacific Mountain Affiliate --Case #05-210 (Part of PDC Case #04-446, assigned separate case #); Investigator: Tony Perkins**

Date Received: March 29, 2004

Date Started: April 8, 2004

Section of Law: RCW 42.17.180 & .200

Status: Investigation Complete

Summary: A complaint were received from Ian Foraker, alleging that the Washington Breathe Alliance engaged in a grass roots lobbying campaign during the 2004 Legislative Session, and failed to timely file Grass Roots Lobbying Reports (PDC Form L-6) disclosing those activities as required by law. The American Heart Association-Pacific Mountain Affiliate (AHA), as part of the Washington Breathe Alliance, allegedly violated RCW 42.17.180 by failing to timely file the Lobbyist Employer Monthly Contribution Report (PDC Form L-3c) disclosing in-kind contributions made to a statewide initiative committee in 2004, and RCW 42.17.200 by failing to timely file the Grass Roots Lobbying Report (PDC Form L-6) disclosing grass roots lobbying activities that were undertaken during the 2004 Legislative Session.

**Disposition:** A brief enforcement hearing was held June 9, 2005. A stipulated agreement was entered into between the parties in which the AHA committed two violations of RCW 42.17.180 by failing to timely file the Lobbyist Employer Monthly Contribution Report (PDC Form L-3c) disclosing in-kind contributions made to Initiative 890, a statewide initiative committee in 2004. The stipulation also stated they committed two violation of RCW 42.17.200 by failing to timely file the Grass Roots Lobbying Report (PDC Form L-6) disclosing grass roots lobbying activities that were undertaken during the 2004 Legislative Session. A \$400 penalty was assessed.

**Waadevig, Paul—Case #05-003; Investigator: Tony Perkins**

Date Received: June 28, 2004

Date Started: July 9, 2004

Section of Law: RCW 42.17.080 and .090

Status: Investigation Complete

Summary: A complaint was received from Lance Haun alleging that Paul Waadevig, a candidate for State Senator in the 17<sup>th</sup> Legislative District failed to report all of the contributions received on behalf of his candidacy.

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

**Disposition:** A brief enforcement hearing was held June 23, 2005. It was found that Paul Waadevig committed multiple violations of RCW 42.17.080 and .090 by failing to timely file the Monetary Contributions Reports (PDC Form C-3) for contributions received by the campaign, one violation of RCW 42.17.080 and .090 by failing to timely file the Summary Full Report of Receipts and Expenditures (PDC form C-4) for the post-election C-4 report for the 2004 election cycle, and two violations of RCW 42.17.105 by failing to timely file the Last Minute Contribution Report (LMC) for two contributions received during the special reporting period 21 days prior to the general election. A \$500 penalty was assessed, of which \$250 was suspended on the condition that no violations of RCW 42.17 occur within two years from the date of the order.

**Pearce, Richard--#05-017--Investigator: Sally Parker**

Date Received: August 12, 2004

Date Started: August 20, 2004

Section of Law: RCW 42.17.080, .090 & .241

Status: Investigation Complete

Summary: A complaint was received from Michael Brown alleging that Richard Pearce, an incumbent Moses Lake City Council member and a candidate for Moses City Council in the 2003 election cycle failed to file an accurate Personal Financial Affairs Statements (PDC Form F-1) for the period 1999 through 2003 (due in 2000 through 2004), and that the campaign disclosure reports filed by Richard Pearce during the 2003 election failed to include all C-3 and C-4 information as required.

**Disposition:** A brief enforcement hearing was held June 23, 2005. It was found that Richard Pearce committed multiple violations of RCW 42.17.241 by failing to timely disclose income, real estate and other assets as required on his annual Personal Financial Affairs Statement (PDC Form F-1) for the years 2000-2004. In addition, Mr. Pearce was found to have committed violations of RCW 42.17.080 and .090 by failing to timely disclose monetary and in-kind contributions received by his campaign for Moses Lake City Council in the 2003 election cycle, and a single violation of RCW 42.17.080 by failing to file copies of his campaign finance reports with the Grant County Auditors Office. A \$250 penalty was assessed.

**Smith, Michele—Case #05-080; Investigator: Tony Perkins**

Date Received: September 29, 2004

Date Started: October 5, 2004

Section of Law: RCW 42.17.080 & .090

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

Status: Investigation Complete

Summary: A complaint was received from Shauna Ousse with the House Democratic Campaign Committee alleging that Michele Smith, a candidate for State Representative in the 25<sup>th</sup> Legislative District, failed to timely file reports of contribution and expenditure activities undertaken by her campaign.

Disposition: A brief enforcement hearing was held June 23, 2005. It was found that Michel Smith committed two violations of RCW 42.17.080 & .090 by failing to timely file the Summary Full Report of Receipts and Expenditures (PDC form C-4) for the 21-day pre-primary and 7-day pre-primary C-4 reports. A \$200 penalty was assessed.

**Spokane Fire District 10 (Dick Gormley, Fire Chief)– Case #05-114; Investigator: Kurt Young**

Date Received: November 1, 2004

Date Started: November 16, 2004

Section of Law: RCW 42.17.130

Status: Investigation Complete

Summary: A complaint was received from Jerry McCoury alleging that officials and/or employees of Spokane Fire District 10 used fire district’s resources to produce and distribute a flyer that supported a local fire district levy that included a “Vote Yes” statement, and that they also produced a website that also contained a “Vote Yes” statement.

**Disposition:** A brief enforcement hearing was held June 23, 2005. It was found that Dick Gormley, as Fire Chief of Spokane County Fire District 10 (SCFD 10) in 2004, violated RCW 42.17.130 by using the public facilities of SCFD 10 by promoting passage of Proposition 1, a Capitol Improvement levy on the November 2, 2004 ballot. Mr. Gormley authorized and directed the preparation and distribution of: 1) a flyer sent to registered voters that promoted the passage of Proposition #1, and stated “**Vote Yes**”; 2) a newsletter that promoted passage of Proposition 1 by also telling readers to “**Vote Yes**”; and 3) a statement posted on the SCFD 10 website that promoted the passage of Proposition 1 by telling readers to “**Vote Yes**”. A \$250 penalty was assessed.

**Friends of the County Library --Case #05-121; Investigator: Tony Perkins**

Date Received: January 21, 2003 & November 19, 2004

Date Started: November 19, 2004

Section of Law: RCW 42.17.080 and .090

Status: Investigation Complete

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

Summary: Complaints were received from Arlene Sparks and Karen Frostad, alleging that the Friends of the County Library (FOCL), a political committee that registered to oppose a local ballot proposition, exceeded the mini reporting limitations in opposing that ballot proposition on the 2002 general election ballot. **Disposition:** A brief enforcement hearing was held June 23, 2005. It was found (FOCL), committed one violation of RCW 42.17.080 & .090 by exceeding the contribution and expenditure limits of the Mini Reporting option, and RCW 42.17.040 and WAC 390-16-125 by failing to properly seek a change from the Mini Reporting option to the Full Reporting option prior to exceeding the Mini limits. The reports filed by FOCL disclosed they received monetary contributions totaling \$9,275, and made expenditures totaling \$5,196.77 under the mini reporting option, and received a \$1,000 contribution from an individual on June 14, 2002, when they should have changed to the full reporting option. The reports were filed by FOCL on October 29, 2002, and the change in reporting options was made 136 days late. A \$500 penalty was assessed, of which \$250 was suspended on the condition that no violations of RCW 42.17 occur within two years from the date of the order.

**Thurston County Republican Central Committee--Case #05-123; Investigator: Sally Parker**

Date Received: November 10, 2004

Date Started: November 24, 2004

Section of Law: RCW 42.17.135

Status: Investigation Complete

Summary: A complaint was received from Clean Government Watch, no address or contact person was listed alleging that the Thurston County Republican Central Committee (TCRCC) earmarked contributions they received to promote the candidacy of Ann Burgman, a candidate for State Representative in the 22<sup>nd</sup> Legislative District. It is alleged that TCRCC used those earmarked contributions to undertake an independent expenditure in opposition to Brendan Williams, also a candidate for State Representative in the 22<sup>nd</sup> Legislative District.

**Disposition:** A brief enforcement hearing was held June 23, 2005. It was found that the TCRCC committed a single violation of RCW 42.17.080 & .090 by failing to disclose an in-kind contribution that was improperly reported as an Independent Expenditure for a newspaper political advertisement that benefited Ann Burgman, a candidate for State Representative from the 22<sup>nd</sup> Legislative District. The consulting firm that produced the newspaper advertisement and solicited funds on behalf of the TCRCC to pay for the independent expenditure,

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

also performed consulting services for Ms. Burgman which compromised the independence of the expenditure and made it reportable as an in-kind contribution to the Burgman campaign. A \$250 penalty was assessed, of which \$100 was suspended on the condition that no violations of RCW 42.17 occur within two years from the date of the order.

**Bainbridge Island Public School Supporters--Case #05-204; Investigator: Tony Perkins**

Date Received: April 27, 2005

Date Started: May 9, 2005

Section of Law: RCW 42.17.040, .080 & .090

Status: Investigation Complete

Summary: A complaint was received from James Olson on April 27, 2005, against the Bainbridge Island Public School Supporters (BIPSS) alleging that BIPSS failed to timely register as a political committee and report contribution and expenditures activities undertaken by the committee, including a mailing to Bainbridge Island residents in support of May 2005 levy measure.

**Disposition:** A brief enforcement hearing was held on August 11, 2005. It was found that BIPSS violated: 1) RCW 42.17.040 by failing to timely file a Committee Registration Statement (PDC Form C-1pc); 2) RCW 42.17.060 by failing to timely deposit monetary contributions in the committee's campaign depository within five business days of receipt; 3) RCW 42.17.080 and .090 by failing to timely file Monetary Contributions Reports (PDC Form C-3) for contributions received by the committee; and 4) RCW 42.17.080 and .090 by failing to timely file C-4 Summary Full Report of Receipts and Expenditures disclosing contribution and expenditure activities. BIPSS was assessed a civil penalty of \$400, with \$200 suspended on the condition that no violations of RCW 42.17 are committed for a period of two (2) years from the date of the Order.

The following cases were dismissed with the concurrence of the chair during this period: (The full text of the dismissal letters issued can be viewed at [www.pdc.wa.gov](http://www.pdc.wa.gov). Click on “Compliance” and “Dismissal of Complaints.”)

**Benjamin, Richard; Peterson, Gary; Case #02-296; Investigator: Sally Parker**

Date Received: April 15, 2002

Date Started: April 19, 2002 (Hearing held March 25, 2003 for portion of issues)

Section of Law: RCW 42.17.120, .080, .090, .240

Status: Investigation Complete

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

Summary: A complaint was received from Dave Kaplan alleging that Gary Peterson failed to disclose information on his Personal Financial Affairs Statement (PDC Form F-1); that consulting services were provided by Don Wasson to two Des Moines City Council candidates that exceeded the mini reporting limits; that the Des Moines Marina Association made contributions to three candidates for Des Moines City Council that were not disclosed; that a political advertisement was produced and distributed in the City of Des Moines without sponsor identification; that additional political advertisements supporting or opposing candidates for Des Moines City Council failed to contain proper sponsor identification and were not timely reported. On May 1, 2002, a complaint addressing several of the same issues was received from Stanley M. Scarvie on behalf of Citizens for Des Moines. Mr. Scarvie’s complaint has been combined with Case #02-296.

In addition, Don Wasson was added as a Respondent and the issues concerning Mr. Wasson, as well as the issues concerning other Respondents named in the original complaint, have been handled through an enforcement hearing held March 25, 2003. (See Results of Enforcement Hearings on PDC Web page under Compliance.) The remaining issues deal with allegations of reporting violations (RCW 42.17.080 and .090) by Richard Benjamin and Gary Peterson, and allegations of inaccurate reporting on the Personal Financial Affairs Statement for Gary Petersen (RCW42.17.240).

**Disposition:** Dismissed with the concurrence of the Chair.

**Allegation #1:** It was alleged that Richard Benjamin and Gary Petersen failed to sufficiently report in-kind contributions to their campaigns by Don Wasson’s unregistered political committee. It was found that:

- Don Wasson, who in 2001 was on the Des Moines City Council, worked closely with Mr. Benjamin in his campaign efforts. He told Mr. Benjamin that he had hired a consultant, Tom Hujar, to provide campaign assistance to his campaign, and instructed Mr. Benjamin to report the value of Mr. Hujar’s work as a \$500 in-kind contribution. In addition, Mr. Wasson provided paper to Mr. Benjamin valued at \$250. Mr. Benjamin reported receiving a \$750 in-kind contribution from Don Wasson on October 30, 2001.
- Mr. Hujar confirmed that he assisted Mr. Benjamin’s campaign by providing samples of brochures and other campaign material. In addition, Mr. Hujar hired a consultant, Mike Snyder, to help Mr. Benjamin with his campaign material. In addition, Mr. Hujar coordinated advocacy calls that benefited Mr.

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Benjamin. Mr. Hujar estimated the value of his services that benefited Mr. Benjamin to be \$14,800.

- Mr. Benjamin stated that he believed the \$750 Mr. Wasson told him to report as an in-kind contribution was the true value of the support he received. Neither Mr. Hujar nor Mr. Hopkins informed Mr. Benjamin of the contributions.
- No evidence was found that Mr. Benjamin was aware of the advocacy calls made on his behalf, or of the value of Mr. Hujar’s efforts made on his behalf by Mr. Wasson’s unregistered political committee.
- Mr. Petersen reported receiving a \$750 in-kind contribution from Mr. Wasson. Mr. Hujar stated that he provided support to Mr. Petersen’s campaign estimated at \$3,500 for his services and advocacy calls. Staff did not find any evidence that Mr. Petersen was aware of the advocacy calls made on his behalf or that he was aware of the additional in-kind contributions from Mr. Wasson’s unregistered political committee.

**Allegation #2:** It was alleged that Mr. Petersen failed to report a monetary contribution from the Des Moines Marina Tenant’s Association. It was found that:

- Thomas Sitterley of the Marina Tenants’ Association stated that the association did not make any campaign contributions to Mr. Petersen. A review of the Marina Tenants’ Association bank records showed contributions to two other candidates, but none to Mr. Petersen.

**Allegation #3:** It was alleged that Mr. Petersen failed to include all reportable information on his Personal Financial Affairs Statement when he was a candidate in 2001. Specifically, it was alleged that Mr. Petersen failed to report the existence of oral contracts with the City of Des Moines, or to include payments that Mr. Petersen’s towing business, Pete’s Towing, received from oral contracts with the City of Des Moines and its Police Department valued at approximately \$252,000 per year. It was found that:

- There was no evidence of a written or oral contract between Pete’s Towing and the City of Des Moines or its police department. Oral and written contracts, as such, are not reportable on the F-1 report, only payments of more than \$7,500 received from the City of Des Moines, business customers and

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other government agencies. Des Moines police frequently directed Pete’s Towing, the only licensed towing business in Des Moines, to tow a vehicle. The vehicle owners were responsible for payment of the towing fees, not the city of Des Moines. Only payments made by vehicle owners who are business or governmental entities are reportable on Form F-1.

- Mr. Petersen’s August 27, 2001 F-1 report covered the period of the previous 12 months (August 2000 through August 2001). He did not report any payments from the City of Des Moines. On April 23, 2002, Mr. Petersen submitted an F-1 report covering calendar year 2001. He reported payments totaling \$2,502 from the City of Des Moines. Linda A. Marousek, Des Moines City Attorney, provided documents showing payments by the City of Des Moines to Pete’s Towing of \$1,551 between August 1, 2000 and August 1, 2001 and \$2,195 during calendar year 2001. Mr. Petersen stated that he inadvertently left the payments off of his initial F-1 as a candidate, but reported the 2001 payments on his 2002 F-1 as an elected official.

The error on Mr. Petersen’s initial F-1 did not warrant formal enforcement action.

**Allegation #4:** It was alleged that Mr. Petersen failed to report the names of two contributors on his C-3 report. It was found that:\

- On December 10, 2001, Mr. Petersen filed a C-4 report showing a \$500 contribution. However, he failed to file a C-3 report disclosing that the \$500 contribution was from his business until July 1, 2002. Mr. Petersen stated that the contribution was from his own funds and that he didn’t realize his treasurer had not submitted the C-3 report. Mr. Petersen did not accept any contributions from anyone other than himself during the campaign.

While the C-3 was reported late, the late filing is mitigated by the fact that he was the sole contributor to his campaign, and the amount of the contribution was reported on a C-4 report.

**Allegation #5:** It was alleged that Mr. Petersen failed to accurately report the date a \$5,000 contribution was received that when combined with a \$2,000 contribution received October 29, 2001 would total more than \$5,000 from a single source within 21 days of the 2001 general election. It was found that:



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- Beginning October 16, 2001, Mr. Petersen’s campaign was prohibited from accepting contributions totaling more than \$5,000 in the aggregate from a single source. Mr. Petersen reported receiving \$5,000 from his company on October 12, 2001. You speculated that Mr. Petersen actually received the contribution within 21 days of the election, but falsely reported an earlier date to avoid the prohibition. Cathy Naverud, was interviewed under oath and stated that the campaign did not maintain a separate bank account for the campaign, and funds in the corporate account were earmarked for the campaign as needed and were available on or before the dates reported. No evidence was provided or found that the date on the C-3 report was falsified.

**Green, Michael (Nine Mile Falls School District)--Case #04-534; Investigator: Tony Perkins**

Date Received: May 19, 2004

Date Started: May 27, 2004

Section of Law: RCW 42.17.130

Status: Investigation Complete

Summary: A complaint was received from Byrd and Lynn Stuter, alleging that Michael Green, Superintendent of Schools for Nine Mile Falls School District No. 325-179, used the facilities of the district to support passage of school district ballot propositions that were placed on the March 9 and May 18, 2004 ballots. The complainants alleged that brochures produced by the school district were promotional in nature.

**Disposition:** Dismissed with the concurrence of the Chair. It was found that the Nine Mile Falls School District produced a brochure for the March 9, 2004 Maintenance and Operations Levy and Bond Measure, and one brochure for the May 18, 2004 Bond Measure. While the PDC staff had some concerns about the content of the brochures, we did not believe that a material violation had occurred warranting enforcement action. The Nine Mile Falls School District and Superintendent Green were cautioned about future publications that the information contained in those publications about future ballot propositions should be balanced and objective.

**Vote Yes on Initiative 891—Case #04-709; Investigator: Kurt Young**

Date Received: June 23, 2004

Date Started: June 30, 2004

Section of Law: RCW 42.17.080 and .090

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

Status: Investigation Complete

Summary: A complaint was received from Charles Creso alleging that the Vote Yes on Initiative 891, a statewide ballot proposition committee failed to report debts, obligations or in-kind contributions for signature gathering efforts undertaken on behalf of Initiative 891.

**Disposition:** Dismissed with the concurrence of the Chair. It was found that the Yes I-891 filed a Committee Registration Statement on March 23, 2004, in support of statewide initiative, I-891, and they timely reported receiving in-kind contributions totaling \$34,977 from the Entertainment Industry Coalition (EIC) for services provided in May and June of 2004 for management, staff time, support staff and overhead costs. EIC did not expend funds for paid signature gathering support of I-891, I-892 or I-864. Fred Rider, who worked with EIC and Yes I-891, said EIC members supporting I-891 would probably have also supported I-892, and would have benefited from its passage. He said EIC did not provide any support to I-892 except for EIC volunteers that exchanged blank petitions and gathered signatures for I-891, I-892 and I-864. He said EIC volunteers were not discouraged from supporting the other three Initiatives.

It was also found that Citizen's Solutions provided signature gathering services to I-891, I-864 and I-892 in calendar year 2004, and that Voters Want More Choices (I-864) reported expenditures totaling \$50,574, Yes I-891 Committee reported expenditures totaling \$85,871, and Just Treat Us the Same (I-892) reported expenditures totaling \$660,626. All payments were made to Citizens Solutions for paid signature gathering efforts, and they confirmed that some paid signature gatherers collected signatures for all three initiatives, and that the respective committees paid for the signatures collected on their behalf. Yes I-891 did report receiving an in-kind contribution of \$4,906 from Just Treat Us the Same for signature gathering services.

**Seattle Monorail Project--#05-007--Investigator: Tony Perkins**

Date Received: July 14, 2004

Date Started: July 19, 2004

Section of Law: RCW 42.17.130

Status: Investigation Complete

Summary: A complaint was received from Glenn Amster alleging that the Seattle Monorail Project, a public agency used public funds and resources to prepare and file a lawsuit challenging the legality of a local ballot proposition, Initiative 83, in opposition to the ballot proposition.

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

**Disposition:** Dismissed with the concurrence of the Chair. It was found that the Seattle Monorail Project was a party to two lawsuits filed in King County Superior Court regarding I-83. The lawsuits held that I-83’s ballot title was inaccurate, that the initiative was in conflict with the SMP’s enabling legislation and the Growth Management Act, and that it improperly attempted to affect administrative decisions, which are not within the scope of citizen initiatives. RCW 35.95A.050, the enabling legislation of the Seattle Monorail Project, empowers the agency to develop public monorail transportation facilities, and authority “to exercise all other powers necessary and appropriate to carry out its responsibilities.” According to the aforementioned statute, these powers include, “without limitation, the power to sue and be sued.” King County, the City of Seattle, the Port of Seattle, Pierce County, Sound Transit and Whatcom County have in the past filed lawsuits to enjoin the placement of initiatives on local ballots, to invalidate state and local initiatives both before and after passage, and to clarify whether specific local ordinances were subject to the referendum process. Because SMP’s lawsuits regarding I-83 were authorized in the agency’s enabling legislation, and were not brought about in an extraordinary means or manner, the lawsuits were part of the agency’s normal and regular conduct, and were not prohibited under RCW 42.17.130. PDC staff reviewed a press release as part of the investigation that was issued by the SMP to announce its two lawsuits, and found that the press release contained statements concerning Initiative 83, made by non-governmental parties to the lawsuits. Officials and staff of the Seattle Monorail Project will be cautioned to omit from future official publications any statements which might be construed to support or oppose a candidate or ballot measure.

**Altick, Steve—Case #05-074; Investigator: Kurt Young**

Date Received: September 1, 2004

Date Started: September 10, 2004

Section of Law: RCW 42.17.640

Status: Investigation Complete

Summary: A complaint was received from John Meyers alleging that Steve Altick, a candidate for State Representative in the 47<sup>th</sup> Legislative District, received monetary and in-kind contributions from affiliated entities that exceeded the \$675 per election contribution limits for a legislative candidate.

**Disposition:** Dismissed with the concurrence of the Chair. It was found that on April 10, 2004, the Steve Altick Campaign filed a report of contributions and expenditures (PDC Form C-4) disclosing that the campaign received four \$675 in-kind contributions totaling \$2,700 on March 25, 2004. The contributions were

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from Sound Hospitality, Inc., Longhorn Barbecue Outpost, Inc., Matt Altick, and David Allen. Three of the contributors reported the same address, 635 C Street SW, Auburn, Washington. All four contributions were for food & beverage for a campaign fundraiser. Matt Altick, David Allen and Tami Schmitz own equal one third interests in Sound Hospitality, Inc. and Longhorn Barbecue, Outpost, Inc.

The Altick Campaign also reported receiving two additional in-kind contributions from contributors showing an address of 102 West Main Street, Auburn, Washington. Those contributions were \$300 from Lehnertz, LLC and \$100 from Tami Schmitz. Lehnertz, LLC is owned by David Allen, David Allen’s father, and Tami Schmitz. The three corporate entities that made contributions (Sound Hospitality, Inc., Longhorn BBQ, Inc., and Lehnertz, LLC) are not affiliated for contribution limit purposes because none of the entities is a subsidiary, branch or division of any of the other entities or owns a controlling interest in the voting stock or securities of any of the other entities. None of the entities has the authority or the ability to direct or participate in the governance of any of the other entities through provisions of constitution, bylaws, contract or other formal or informal procedure or has the authority or the ability to hire, appoint, demote or otherwise control the officers or other decision making employees or members of any of the other entities, none of the entities are membership organizations, and none of the entities provides, causes or arranges, funds, services or goods in a significant amount or on an ongoing basis, through direct or indirect means to any of the other entities, for less than full consideration.

**Rabideau, C.J. “Jim”—Case #05-076; Investigator: Tony Perkins**

Date Received: September 27, 2004

Date Started: October 5, 2004

Section of Law: RCW 42.17.080 & .090

Status: Investigation Complete

Summary: A complaint was received from Rick Kent alleging that C. J. Rabideau, a candidate for Franklin County Commissioner, failed to file detailed reports disclosing contribution and expenditure activities undertaken by his campaign.

**Disposition:** Dismissed with the concurrence of the Chair. It was found that Mr. Rabideau’s campaign raised \$1,582 and spent \$1,472 for the 2004 primary election that was not reported until October 8, 2004. The Rabideau campaign raised a total of \$2,986 and spent \$2,225 for the entire campaign, with no individual contributor, other than the candidate himself contributing over \$200. Mr. Rabideau was unopposed in the primary election, and was a first time candidate selecting the full reporting option which required him to file timely

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reports of contributions and expenditures. However, the campaign would have qualified to use the Mini reporting option, which allows a candidate to only file a Candidate Registration Statement (PDC Form C-1) if the campaign does not raise or spends more than \$3,500 and receives no contributions over \$300 from any one source other than the candidate. Mr. Rabideau was cautioned to fully comply with the reporting option selected in future election campaigns.

**44<sup>th</sup> Legislative District Republican Committee —Case #05-102; Investigator: Sally Parker**

Date Received: October 15, 2004  
Date Started: October 28, 2004  
Section of Law: RCW 42.17.080 & .090  
Status: Investigation Complete

Summary: A complaint was received from Hans Dunshee alleging that the 44<sup>th</sup> Legislative District Republican Committee sponsored political advertising during the primary election, but failed to report the expenditures for the advertising on its C-4 report.

**Disposition:** Dismissed with the concurrence of the Chair. It was found that the 44<sup>th</sup> Legislative District Republican Committee timely filed its C-4 reports for the year 2004 through the primary election including the special reports due 21 and 7 days prior to the primary election. The expenditures for the political advertising noted in the complaint were correctly reported on the C-4 and Schedule A dated October 7, 2004. Because the 44<sup>th</sup> Legislative District Republican Committee has timely filed its reports with the PDC, no enforcement action was warranted.

**Selling, Joel—Case #05-105; Investigator: Tony Perkins**

Date Received: October 22, 2004  
Date Started: October 28, 2004  
Section of Law: RCW 42.17.510  
Status: Investigation Complete

Summary: A complaint was received from Blair Anderson alleging that Joel Selling, a Candidate for State Representative in the 39<sup>th</sup> Legislative District, sponsored a political advertisement that failed to include his political party affiliation as required by law.

**Disposition:** Dismissed with the concurrence of the Chair. It was found that the Joel Selling campaign had, prior to the mailing referenced in the complaint, sponsored one political advertisement which did feature proper disclosure of party affiliation. The candidate's party affiliation was inadvertently left off of the mailing in question. The mailing clearly communicated that Mr. Selling was

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endorsed by the 39<sup>th</sup> Legislative District Democrats, the Snohomish County Democrats, and the Young Democrats of Washington. Together, these findings indicate that the Joel Selling campaign did not intentionally seek to hide Mr. Selling's party affiliation from voters. In accordance with PDC practice, the Joel Selling campaign was sent a warning letter for a first offense of failing to include partisan affiliation on political advertising. No further enforcement action was taken.

**Ruderman, Laura—Case #05-106; Investigator: Kurt Young**

Date Received: October 28, 2004

Date Started: October 28, 2004

Section of Law: RCW 42.17.080 & .090

Status: Investigation Complete

Summary: A complaint was received from Peter Abbarno, Executive Director of the Washington State Republican Party alleging that Laura Ruderman, a candidate for Secretary of State, violated RCW 42.17 by failing to timely report orders placed and obligations for media buys for political advertising made by Media Strategies and Research (MSR).

**Disposition:** Dismissed with the concurrence of the Chair. It was found that the Friends of Laura Ruderman Campaign timely reported making a total of \$459,500 in expenditures to Media Strategies and Research (MSR) for professional services. The campaign failed to code these expenditures as broadcast advertising or provide an additional description of the expenditures. On October 28, 2004, PDC staff contacted the Ruderman campaign and requested a breakdown of the campaign media buys that had previously been reported as a lump sum on C-4 reports. On November 1, 2004, the Ruderman campaign submitted a response disclosing that the expenditures made to MSR were for broadcast advertisements, and included a detailed listing of individual television stations from which the campaign had purchased media buys from October 11 through October 20, 2004. The breakdown was required to be reported by October 26, 2004.

**People for Responsible Government— Case #05-112; Investigator: Tony Perkins**

Date Received: October 26, 2004

Date Started: November 16, 2004

Section of Law: RCW 42.17.040, .080 & .090

Status: Investigation Complete

Summary: A complaint was received from Stephen Whitehouse, treasurer for Herb Baze, a candidate for Mason County Commissioner, alleging that People for

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Responsible Government produced and distributed advertising that was produced and distributed as an “issue ad”, but that it actually was “express advocacy” thus requiring the group to register and report as a political committee.

**Disposition:** Dismissed with the concurrence of the Chair. It was found that in mid-October of 2004, People for Responsible Government (PRG) sponsored a mailing to residents of Mason County that discussed the hiring of a county administrator in terms that were critical of the policy. The mailing urged the reader to communicate disapproval of the policy to the members of the county commission. The mailing featured a caricatured likeness of incumbent Mason County Commissioner Herb Baze, but did not contain an exhortation to vote against Mr. Baze nor was it an attack on his character. PRG’s mailing identified by likeness an incumbent candidate for Mason County Commission, and was distributed in the weeks before the November 2, 2004 general election. However, based on the principles of Public Disclosure Commission Interpretation #00-04 that addresses “issue advocacy” this mailing in and of itself was not enough to make the distributed material “express advocacy” in opposition to an identified candidate. Because PRG’s mailing urged action only on the policies of the Mason County Commission, did not urge a vote against a candidate, and did not attack a candidate’s character, it is considered “issue advocacy” rather than “express advocacy.” The expenditure incurred by PRG did not support or oppose a candidate in a manner that would make it reportable under the Public Disclosure Law. Therefore, People for Responsible Government was not required to register and report as a political committee.

**Citizens for Ethics in Mason County Politics– Case #05-115; Investigator: Tony Perkins**

Date Received: November 1, 2004

Date Started: November 16, 2004

Section of Law: RCW 42.17.040, .080, .090 & .510

Status: Investigation Complete

Summary: A complaint was received from David Overton alleging that the Citizens for Ethics in Mason County Politics (CEMCP) produced and distributed political advertising published in local newspapers that lacked sponsor identification, and that the group did not timely register and report contribution and expenditure activities as a political committee. As an alternative, he also alleged that CEMCP made an Independent Expenditure and failed to timely file a C-6 report disclosing the expenditure and that the advertisement failed to include the Top 5 Contributors in the sponsor identification.

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

**Disposition:** Dismissed with the concurrence of the Chair. It was found that CEMCP contacted PDC staff on October 25, 2004, to request information about reporting its campaign activity and was erroneously told that the committee had 14 days to register and report, rather than 3 business days. Based on that advice, the CEMCP treasurer believed the committee had 14 days to register and report from its first campaign activity on October 25, 2004. CEMCP was required to register with the PDC within three business days of its first activity (by October 28, 2004) because it organized within three weeks of the 2004 general election.

On November 1, 2004, CEMCP submitted, by facsimile, a Political Committee Registration Statement (PDC Form C-1pc), a C-3 report of contributions and a C-4 report summarizing its contributions and expenditures. The signed originals of the reports were postmarked November 1, 2004 and were received in the PDC office on November 2, 2004, the day of the 2004 general election. The C-3 report filed November 1, 2004, made the Last Minute Contribution report five days late. The political advertisement identified by CEMCP as an independent expenditure advocated for the re-election of Herb Baze and the defeat of Senator Tim Sheldon in the race for Mason County Commissioner. The ad contained a sponsor identification that stated, “Paid for by Citizens for Ethics in Mason County Politics” along with the mailing address of the sponsor. The sponsor identification did not include the required “NOTICE TO VOTERS” language or the “Top five contributors” required for an independent expenditure ad, or the party affiliation of the candidates supported or opposed. In accordance with PDC policy, a warning letter was sent to CEMCP regarding its incomplete sponsor identification.

**International Brotherhood of Electrical Workers (IBEW) Local 112 PAC– Case #05-122; Investigator: Jennifer Hansen**

Date Received: November 9, 2004

Date Started: November 24, 2004

Section of Law: RCW 42.17.080 & .090

Status: Investigation Complete

Summary: A complaint was received from Jami Lund with the Evergreen Freedom Foundation, alleging that IBEW Local 112 PAC improperly reported monetary contributions received by the PAC as anonymous contributions, and thus exceeded the threshold of \$300 for anonymous contributions received by a PAC for a calendar year.

**Disposition:** Dismissed with the concurrence of the Chair. It was found that IBEW Local Union 112 collects contributions from its members for the IBEW



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Local 112 PAC fund and the International COPE fund, respectively. Funds collected from members are distributed to the IBEW PAC who then issues a check to the International COPE fund, and keeps the remaining funds that are specifically earmarked for the IBEW Local 112 PAC. The monthly contribution to the International COPE fund is \$1.00 per month for each member, and the monthly contribution to IBEW Local 112 PAC is \$2.50 per month for each member. IBEW Local 112 PAC filed ten Cash Receipts Monetary Contributions Reports (PDC form C-3) for the months of January 2004 through October 2004, reporting contributions that totaled \$21,186.25. All of the contributions were incorrectly reported by IBEW 112 PAC as anonymous contributions. On February 7, 2005, IBEW Local 112 PAC filed ten amended C-3 reports for the period January 2004 through October 2004. The amended reports correctly showed the number of small contributors and listed the contributions as “small contributions of \$25 or less” on line 1(e) of the C-3 report.

**Perfect Printing, Inc. – Case #05-124; Investigator: Jennifer Hansen**

Date Received: November 19, 2004

Date Started: December 8, 2004

Section of Law: RCW 42.17.110

Status: Investigation Complete

Summary: A complaint was received from Michael D. Williams alleging that Perfect Printing, Inc. a commercial advertiser in Prosser Washington, produced political advertising that supported or opposed a local Prosser ballot proposition, without timely disclosing the name and address of the person(s) that paid for the advertisement, and the nature and amount of consideration paid for the advertisement when requested by the PDC and public.

**Disposition:** Dismissed with the concurrence of the Chair. It was found that prior to the 2004 general election, Perfect Printing and Signs printed a political flyer that asked residents of the City of Prosser to vote “No” on a November 2, 2004 ballot proposition. The measure proposed adopting a council-manager form of city government, and the advertisement was printed by Perfect Printing and Signs. On October 29, 2004, PDC staff informed Mr. Williams of the individuals who placed and paid for the political advertisement. On November 1, 2004, Mr. Williams sent a letter to Donna Barnard, owner of Perfect Printing and Signs, requesting information about the political advertisement, and also requesting for information specified in RCW 42.17.110, that deals with commercial advertisers that accept political advertising. The additional information requested by Mr. Williams was not required to be provided by a commercial advertiser under RCW 42.17.110. On November 11, 2004, Mr. Williams was provided with copies of

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the invoices and receipts relating to the services rendered for the production of the political advertisement.

**Johnson, Wes– Case #05-126; Investigator: Tony Perkins**

Date Received: December 2, 2004

Date Started: December 9, 2004

Section of Law: RCW 42.17.130

Status: Investigation Complete

Summary: A complaint was received from Robert C. Harris alleging that Wes Johnson, an incumbent Mason County Commissioner, produced and distributed a mailer using Mason County facilities and resources that assisted his campaign for re-election.

**Disposition:** Dismissed with the concurrence of the Chair. It was found that a petition signed by 193 citizens was delivered to the Mason County Commissioners supporting construction of a Belfair Bypass, rather than a project to improve Highway 3 that runs through Belfair. Wes Johnson responded to the petition by sending a letter dated August 25, 2004, on Mason County Commissioner letterhead, to the signers of the petition. Mr. Johnson’s letter stated that he supported the concept of highway construction to bypass the community of Belfair, but the bypass construction was not being undertaken because of a lack of funding resources in the county. Mr. Johnson signed the letter on behalf of the Mason County Commissioners because most of the petitioners were residents of District 2, which he represented. The letter was sent in response to the petition, and did not mention Mr. Johnson’s candidacy or the 2004 election. Mr. Johnson was responding on behalf of his fellow Commissioners, and did not respond in a manner that mentioned or promoted his campaign. Thus, the action by Mr. Johnson was not prohibited.

**Orozco, Juan– Case #05-134; Investigator: Tony Perkins**

Date Received: February 5, 2005

Date Started: February 10, 2005

Section of Law: RCW 42.17.040, .080, .090, .100 & .510

Status: Investigation Complete

Summary: A complaint was received from Debra Manjarrez, CPA, alleging that Juan Orozco produced and distributed a political advertisement that failed to include the sponsor identification, and that the costs were not disclosed to the public either reported by a political committee or disclosed as an independent expenditure.

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

**Disposition:** Dismissed with the concurrence of the Chair. It was found that Juan Orozco sponsored a political advertisement opposing the Wapato School District bond measure on the November 2, 2004 general election ballot, and did not include sponsor identification on the mailing. Mr. Orozco said that he did not identify himself on the flyer because he was concerned about retaliation against himself or his family. He stated that his family has been the target of vandalism and threats of violence in the past. Mr. Orozco acted on his own behalf, and that he personally produced and distributed the ad. He mailed it to approximately 100 recipients, did not distribute it in any other manner, and received no donations from others to assist with his effort. The ad opposed a local ballot proposition and cost less than \$100 to produce and distribute. The ad was in writing and did not appear in a newspaper or other publication or in an electronic medium. The ad was distributed four days before the election. The circumstances of the ad sponsored by Mr. Orozco are substantially consistent with the facts present in the U.S. Supreme Court decision for leaving off sponsor identification on political advertising. Thus, no enforcement was warranted in this instance.

**Yousoufian, Armen--Case #05-137; Investigator: Sally Parker**

Date Received: February 22, 2005

Date Started: March 2, 2005

Section of Law: RCW 42.17.040, .080, & .090

Status: Investigation Complete

Summary: A complaint was received from Dan Schueler alleging that Armen Yousoufian violated RCW 42.17.040, .080, and .090 by sponsoring a recall effort of Dow Constantine, an incumbent King County Council member, by soliciting contributions to pay for the legal fees for the recall effort, without registering and reporting as a political committee.

**Disposition:** Dismissed with the concurrence of the Chair. It was found that on January 13, 2005, at a Citizens' Alliance for Property Rights meeting, Armen Yousoufian announced that he would be filing a petition to recall Dow Constantine. A petition to recall Dow Constantine was filed on January 14, 2005, and that same day the recall campaign received a \$200.00 contribution. On February 12, 2005, Mr. Yousoufian's recall petition against Dow Constantine was dismissed in King County Superior Court. On June 27, 2005, Effort to Recall Dow Constantine (ERDC) filed a Committee Registration Statement (PDC Form C-1pc), and a Summary Receipts and Expenditures Report (PDC Form C-4) and a Cash Receipts/Monetary Contributions Report (PDC Form C-3). The C-3 report filed on June 27, 2005, disclosed that ERDC had received a total of \$8,395.95 in contributions between January 13, and March 7, 2005, in support of the recall

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effort from 83 different contributors. Of the \$8,395.95 in total contributions received, Mr. Yousoufian contributed \$3,345.95 in personal funds. The C-4 report filed on June 27, 2005, disclosed that ERDC paid the law firm of Groen, Stephens & Klinge \$8,395.95 for legal fees paid between January 14, and April 27, 2005. All of the \$8,395.95 in contributions received was used to pay for legal services in the effort to recall Dow Constantine. While the PDC does not condone late filings, Mr. Yousoufian stated that his lack of timeliness in filing the committee registration and contribution and expenditure reports was due in part to inaccurate advice he had received from an attorney.

**Minnick, Chad--Case #05-205; Investigator: Tony Perkins**

Date Received: May 3, 2005

Date Started: May 9, 2005

Section of Law: RCW 42.17.241

Status: Investigation Complete

Summary: A complaint was received from Vickie Mullen alleging that Chad Minnick, an incumbent Monroe City Council member, failed to list his consulting firm Minnick & Minnick on the F-1 supplement required to accompany the Personal Financial Affairs Statement (PDC form F-1) due on April 15, 2005, and that he also failed to disclose the reportable business customers of the firm.

**Disposition:** Dismissed with the concurrence of the Chair. It was found that Chad Minnick filed an F-1 statement on January 29, 2005, but did not include an F-1 Supplement form listing the firm Minnick & Minnick, or its reportable business customers. Mr. Minnick filed an F-1 Supplement on May 7, 2005, disclosing the reportable customers of Minnick and Minnick. He stated that his failure to file an F-1 Supplement with his F-1 was an inadvertent oversight, and was not an attempt to conceal his relationship with the clients of Minnick and Minnick. Mr. Minnick stated that he believed he had created, but did not submit, an F-1 Supplement for Minnick & Minnick when he originally submitted his electronic F-1 report on January 29, 2005. Mr. Minnick had previously filed three F-1 reports, including one in 2004 as an elected member of the Monroe City Council. Each of these reports included an F-1 Supplement listing the reportable customers of Minnick & Minnick.

**Better Community Solutions--Case #06-002; Investigator: Tony Perkins**

Date Received: June 29, 2005

Date Started: June 30, 2005

Section of Law: RCW 42.17.080,.090,100,.103,.120 and .510

Status: Investigation Complete

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

Summary: A complaint was received from Todd Donovan alleging: 1) that Better Community Solutions (BCS) failed to fully disclose the identity of two contributors, by using initials in place of the contributors’ full names; 2) that a \$121 anonymous contribution to BCS was not fully disclosed as required, and that the committee in fact concealed the source of this contribution; 3) that BCS failed to file a special report of independent expenditure for political advertising after sponsoring an insert in *The Bellingham Herald* opposing three candidates running for positions on the Bellingham City Council or the Whatcom County Council; and 4) that BCS failed to include complete sponsor identification on the newspaper insert when it failed to include the required “NOTICE TO VOTERS” language and a listing of its top five contributors for an independent expenditure.

**Disposition:** Dismissed with the concurrence of the Chair. It was found that

Use of initials on its contribution reports in place of the full names of contributors

- The committee filed C-3 reports identifying the contributor Associated General Contractors as “AGC,” and the Whatcom County Republican Party as “WCRP,” and included both contributors’ full address. Although these two contributors are recognizable from their initials, the committee has amended its C-3 reports to indicate the contributors’ full names. No evidence was submitted with the complaint showing that BCS’ use of the contributors’ initials constituted an attempt to conceal their identities.

Alleged concealment of \$121 in contributions - BCS filed a C-3 report listing, among other itemized contributions, a \$121 contribution attributed to “anonymous.” This sum represented unidentified cash contributions found while cleaning-up after a BCS fundraiser. Although such receipts are properly reported on line 1a of the C-3 report (anonymous contributions) rather than line 2 (itemized contributions), the \$121 in anonymous contributions does not exceed the allowable limit which is the greater of \$300 or one percent of the committee’s total contributions. In addition, no evidence was submitted with the complaint showing that BCS sought to conceal the source of the funds.

Alleged failure to file a special C-6 report of independent expenditure for political advertising

- The committee had no filing requirement under RCW 42.17.100 because its expenditures were required to be disclosed in its regular series of political committee reports. The committee also had no filing requirement under RCW 42.17.103 because its newspaper insert was not presented to the public within twenty-one days of an election.

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Alleged failure to properly identify itself as the sponsor of independent expenditure political advertising by using the required “NOTICE TO VOTERS” language in its newspaper insert, and by including a listing of its top five contributors - The insert did not qualify as an independent expenditure with respect to Anna Williams and Gary Lysne (the opponents of Barbara Ryan and Seth Fleetwood, two candidates opposed in the insert) but instead constituted an in-kind contribution to these candidates’ campaigns. A level of coordination existed between BCS and the campaigns of Ms. Williams and Mr. Lysne, in that each candidate had retained Charlie Crabtree, the treasurer of Better Community Solutions at the time the insert was sponsored, as a paid campaign consultant. WAC 390-05-210(3) states that an expenditure made by a political committee under these circumstances is a contribution from the committee to the benefited candidates.

In the case of the third candidate opposed in BCS’ newspaper insert, Laurie Caskey-Schreiber, the insert benefited her opponent, Tom Anderson, but no coordination or consultation occurred between BCS and Mr. Anderson’s campaign. With respect to this candidate, the BSC insert did constitute an independent expenditure political advertisement, and BCS was thus required to use the “NOTICE TO VOTERS” language in its sponsor identification, and to include a listing of its top five contributors.

In accordance with past agency practice, BCS received a sponsor identification warning letter, cautioning the committee to include proper sponsor identification in all future political advertisements, and stating that failure to comply in the future will result in more formal enforcement. For political advertising that qualifies as an independent expenditure, as defined in RCW 42.17.020(24), the additional sponsor identification requirements listed in RCW 42.17.510(2) must be included. This includes the requirement to display “NOTICE TO VOTERS” language and a list of the committee’s top five contributors.

The committee was instructed to amend its reports to indicate that expenditures for its newspaper insert were, in part, an in-kind contribution to the Anna Williams and Gary Lysne campaigns. The two candidates were instructed to amend their reports to show receipt of the in-kind contribution from Better Community Solutions.

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

**Mielke, Tom--Case #06-003; Investigator: Randy Unruh**

Date Received: July 18, 2005

Date Started: July 18, 2005

Section of Law: RCW 42.17.530

Status: Investigation Complete

Summary: A complaint was received from Jessica Kirby alleging that Tom Mielke, a candidate for Clark County Commissioner, sponsored political advertising that falsely implied that he was the incumbent office holder, when in fact he was not, in violation of RCW 42.17.530.

**Disposition:** Dismissed with the concurrence of the Chair. It was found that on March 24, 2005, Tom Mielke filed a Candidate Registration Statement (PDC Form C-1) declaring his candidacy for Clark County Commissioner for the 2005 election cycle. Mr. Mielke stated that he produced 500 flyers that were mailed out prior to his campaign discovering that the flyer failed to indicate that he was seeking the office of Clark County Commissioner. Mr. Mielke said that he caught the mistake after the mailing, and that the campaign ordered a stamp to correct the problem on the remaining flyers with regard to the false claim of incumbency. Mr. Mielke stated that the campaign took corrective action and stamped the word “elect” next to Tom Mielke’s name on the remaining flyers prior to them being distributed, and that the campaign also took corrective action on the campaign website to include the word “Elect” and by increasing the font size of the sponsor identification. On July 13, 2005, PDC staff sent Mr. Mielke a warning letter concerning this issue.

**David Tracy—No Case Number Assigned; Staff: Tony Perkins**

Date Received: July 19, 2005

Date Started: July 19, 2005

Section of Law: RCW 42.17.040

Status: Investigation Complete

Summary: A complaint was received from Michael Morgan alleging that David Tracy did not file his Candidate Registration Statement (PDC form C-1) within two weeks of the date that he announced his candidacy for Federal Way Municipal Court Judge in the local media. In addition, it was alleged that Mr. Tracy made false claims of incumbency in his political advertising by stating that he is seeking to “*retain his position.*”

**Disposition:** Dismissed with the Concurrence of the Chair: It was found that:

- David Tracy filed his C-1 registration on May 23, 2005. The earliest contribution and expenditure activity reported by his campaign was a loan of \$4,000 by Mr. Tracy on May 12, 2005. His registration was filed within two

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weeks of the date his campaign undertook this activity. You said a newspaper article stated that Mr. Tracy announced his candidacy for Municipal Court Judge in March 2005. However, you provided no evidence to support your allegation. Even if there is evidence that Mr. Tracy announced his candidacy in March 2005, his C-1 has been on file since May 23, 2005, which is several months before the election.

- David Tracy is a Municipal Court Judge in Federal Way. A staff member of the Federal Way Municipal Court stated that Mr. Tracy has held this position as an appointee since the creation of the court, and that the position of Federal Way Municipal Court Judge has now become an elected position. This staff member confirmed that the duties of the position remain the same, just the means of obtaining the position have altered. Given these facts, there is no basis for concluding the elected position is different from the appointed one, whether the hours are part-time or full-time.
- As is stated in WAC 390-18-040, “[t]he term ‘retain’ in a political advertisement represents that the candidate is the incumbent but does not imply that the candidate attained the office by election.” Mr. Tracy is the incumbent because he now holds the position which is being filled by election this fall. As such, the term “retain” is appropriate for Mr. Tracy to use.

**Keep Washington Rolling—Case #06-001; Investigator: Kurt Young (45-Day Letter to Attorney General’s Office)**

Date Received: July 1, 2005

Date Started: July 8, 2005

Section of Law: RCW 42.17.130

Status: Investigation Complete

Summary: A 45-Day Citizen Action letter of complaint was filed with the Attorney General’s Office by Richard Pope on July 1, 2005. It alleged that the Puget Sound Regional Council, Port of Everett, Port of Seattle, and Port of Tacoma violated RCW 42.17.130 by using or authorizing the use of public facilities for the purpose of opposing Initiative 912.

**Disposition:** On August 11, 2005, PDC staff reported to the Commission that the allegations were not substantiated and merit dismissal. The Commission accepted the staff recommendation to dismiss the allegations, and reported their recommendation to the Office of the Attorney General.